

DEPARTMENT OF STATE
ASSISTANT SECRETARY

SECRET

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FILE

TO : The Secretary

October 23, 1959

THROUGH: s/s JSS

FROM : EUR - Foy D. Kohler

OK

SUBJECT: United States Draft Declaration and British Memorandum on Berlin

The draft Four Power declaration for a modus vivendi on Berlin already shown to the President is a rearrangement of the Western proposals made at Geneva on July 28, 1959. It simplifies some of the language and eliminates specific details regarding dispute mechanisms, providing solely that disputes which may arise under the declaration would be raised and settled among the Four Powers. No role is envisaged for the UN. The terms of the declaration are to remain effective for three years after which any of the four powers might propose a change. In that event, discussions would be resumed on the understanding that the existing rights and responsibilities of the four powers concerning Berlin and access to the city are not affected or impaired by this declaration.

The British Foreign Office memorandum dated October 21, 1959, does not attempt to draft the precise terms of a possible interim Berlin agreement. It notes that the two points which seem likely to cause the most future difficulty with the Soviets are: (a) the question of Western rights at the end of the agreement, and (b) the role to be played by the GDR in negotiations during the period of the agreement. The view is expressed that such matters as force levels, nuclear weapons, subversive activities, access, and some form of quadripartite supervision are not likely to cause insuperable difficulties. The British view with respect to rights is that the Western Powers cannot get the Soviets explicitly to state that such rights would never be modified except by mutual agreement. For their part the British are prepared to accept a Soviet statement that they do not intend to take unilateral action, purporting to end Western rights at least until after negotiations at the end of the period of interim agreement for a more lasting settlement have broken down. The British propose, with reference to the role of the GDR, replacing the July 20 formula about the Geneva Conference as at present constituted remaining in being by a formula providing for a four power commission which should meet during the period of the interim agreement. This commission should be entitled to discuss all aspects of the German problem including the question of a peace treaty or peace

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treaties and including arrangements for an extension of de facto contacts between the two parts of Germany. East and West Germans would participate, the West regarding them as experts, the Russians as representatives of the two German states. The West would give an undertaking, which need not be expressly formulated in the agreement, that the four power commission would instruct the two German delegations to get together to try to reach agreed recommendations, for submission to the Commission.

Comment

1. The British paper seems somewhat optimistic as to the ease with which agreement might be reached with the Soviets on the five points noted above. While it is true that the Geneva Conference primarily broke down over the question of Western rights at the end of the interim agreement, the two sides were still far apart on the question of forces levels as well as on the tripartite or quadripartite nature of the obligations in the field of subversive activities and access.

2. It seems unlikely that Adenauer's agreement could be reached for any undertaking to the Soviets which would involve instructing the two German delegations to seek to reach agreed recommendations.

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